

CAUSE NO. 2020DCV0914

WESTAR INVESTORS GROUP, LLC,	§	IN THE COUNTY COURT
SUHAIL BAWA, AND SALEEM MAKANI,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	AT LAW NO. 6
THE GATEWAY VENTURES, LLC,	§	
PDG PRESTIGE, INC., MICHAEL	§	
DIXSON, SURESH KUMAR,	§	
AND BANKIM BHATT,	§	
	§	
Defendants.	§	EL PASO COUNTY, TEXAS

**PLAINTIFFS’ MOTION TO QUASH NOTICES OF
DEPOSITION OF SUHAIL BAWA AND SALEEM MAKANI**

Plaintiffs Westar Investors Group, LLC (“Westar”), Suhail Bawa (“Bawa”) and Saleem Makani (“Makani”) (collectively “Plaintiffs”) file this motion to quash the notices of deposition of Bawa and Makani served by Defendant Bankim Bhatt (“Bhatt”) and respectfully shows the Court as follows.

1. On October 8, 2020, Bhatt served two notices of deposition of Bawa (the “Bawa Notices”).¹ Pursuant to the Bawa Notices, Bhatt intends to take Bawa’s deposition on November 18, 2020 or November 23, 2020 in person in El Paso, Texas.²
2. On October 8, 2020, Bhatt served two notices of deposition of Makani (the “Makani Notices”).³ Pursuant to the Makani Notices, Bhatt intends to take Makani’s deposition on November 19, 2020 or November 24, 2020 in person in El Paso, Texas.⁴

¹ True and correct copies of the Bawa Notices are attached hereto as Exhibits A and B.
² Id.
³ True and correct copies of the Makani Notices are attached hereto as Exhibits C and D.
⁴ Id.

3. Plaintiffs object to the time and date of the noticed depositions of Bawa and Makani in the Bawa Notices and the Makani Notices because the deponents and their counsel are not available on the dates indicated therein.

4. Plaintiffs further object to the place of the noticed depositions of Bawa and Makani in the Bawa Notices and the Makani Notices. Specifically, Bawa and Makani object to having to travel to El Paso, Texas to appear for their depositions in person due to the COVID 19 pandemic. Bawa and Makani are both 55 years of age and therefore of higher risk of complication from infection if forced to travel by plane to appear in person for their depositions. Bawa and Makani should instead be permitted to appear for their depositions via Zoom or other similar video conference platform. Alternatively, if Bhatt insists on taking Bawa's and Makani's depositions in person, the depositions should take place in the Dallas, Texas area where they reside.

5. Because this motion is filed within 3 business days of service of the Bawa Notices and the Makani Notices, the depositions are automatically stayed pursuant to Texas Rule of Civil Procedure 199.4.

6. Plaintiffs intend to provide Bhatt with alternate dates that Bawa and Makani will be available for video deposition in the near future.

PRAYER

For these reasons, Plaintiffs respectfully move the Court to quash the foregoing deposition notices, and for all other relief to which they are justly is entitled.

Respectfully submitted,

BROWN FOX PLLC

By: /s/ Eric C. Wood
Eric C. Wood
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Fax: (214) 327-5001
Email: eric@brownfoxlaw.com

ATTORNEYS FOR PLAINTIFFS
WESTAR INVESTORS GROUP, LLC
SUHAIL BAWA AND SALEEM MAKANI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded in accordance with the Texas Rules of Civil Procedure to all counsel of record via the electronic filing system on the 13th day of October, 2020.

/s/ Eric C. Wood
Eric C. Wood

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DIXSON, SURESH KUMAR,	§	
AND BANKIM BHATT,	§	
	§	
Defendants.	§	EL PASO COUNTY, TEXAS

**NOTICE OF INTENTION TO TAKE
ORAL/VIDEOTAPED DEPOSITION OF PLAINTIFF SUHAIL BAWA DUCES TECUM**

TO: All Parties.

DEPONENT: SUHAIL BAWA c/o Eric Wood, Brown Fox PLLC, 8111 Preston Road, Suite 300, Dallas, Texas 75225 or wherever he/she may be found.

**TIME AND DATE
OF DEPOSITION:** November 18, 2020 beginning at 9:00 a.m./MST and continuing from day to day until the deposition is completed.

**PLACE OF
DEPOSITION:** Said deposition will take place in person with the witness located at Wells Fargo Plaza, 221 N. Kansas St, El Paso, Texas at Suite no. 505. Said deposition testimony will be taken down in stenography and videotaped by ACR, Inc., Court Reporting 915.542.3422 or other certified reporting service. Said testimony is to be used at the time of the trial of the above-styled and numbered cause.

**SCOPE OF
EXAMINATION:** Pursuant to Texas Rules of Civil Procedure Rule 199.2. this deposition may be used for purposes of trial.

**OBJECTIONS TO
TESTIMONY:** Absent express agreement recorded in the deposition to the contrary, objections shall be made pursuant to the Texas Rules of Civil Procedure.

**PRODUCTION
COMPELLED:** See Attached Exhibit "A"

EXHIBIT A

OFFICIAL COURT

REPORTER: ACR, Inc. Court Reporting

VIDEO: Yes.

INTERPRETER: No.

SUBPOENA: No.

Respectfully submitted,

RAY | PENA | McCHRISTIAN, P.C.

5822 Cromo Dr.

El Paso, Texas 79922

(817) 832 7200- Phone

(817) 832-7333- Fax

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By: /s/ Jeffrey T. Lucky

JEFF RAY

State Bar No. 16604400

JEFFREY THOMAS LUCKY

State Bar No. 12667350

*Attorneys for Defendant Bankim Bhatt,
M.D.*

CERTIFICATE OF SERVICE

I certify that on October 8, 2020, the foregoing document was served via electronic service to all counsel of record pursuant to the Texas Rules of Civil Procedures.

/s/ Jeffrey T. Lucky

JEFFREY THOMAS LUCKY

EXHIBIT “A”

Please produce at your deposition:

1. “All contracts, agreements, communications or similar document or records of any type signed or approved by Bankim Bhatt, which you contend to be relevant to your claims as alleged against Dr. Bhatt in this litigation. This includes any and all such records pertaining to the formation, existence, rights and claims relating to Westar Investment Group or similarly named entities of any kind and any of its principals at any time for the period of activities alleged in your live pleadings in this matter, or regarding “the Property” as you have previously described that term in your pleadings and written discovery previously directed to Dr. Bhatt.”
2. Any writing or digital record of any kind allegedly authored by, ratified by, or that you otherwise attribute to Dr. Bhatt that supports any contention of yours as to any representation, promise, covenant or any offer or acceptance, and to the breach of any duty by him as related to any claim you make against Dr. Bhatt in your pleadings, including but not limited to:
 - a. Claims for Statutory Fraud;
 - b. Claims for conspiracy or aiding and abetting or similar claims;
 - c. Any other legal theory of cause of action as expressed or implied in your pleadings.
3. If you contend any writing, record or document as described above at items 1 and 2 have been previously produced in written discovery, produce a copy of each such record at your deposition or, in the alternative, be prepared to identify or list all such records by relevant Bates numbers or other specific identifying information as to each item.

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	§	
Defendants.	§	EL PASO COUNTY, TEXAS

NOTICE OF INTENTION TO TAKE
ORAL/VIDEOTAPED DEPOSITION OF PLAINTIFF SUHAIL BAWA DUCES TECUM

TO: All Parties.

DEPONENT: SUHAIL BAWA c/o Eric Wood, Brown Fox PLLC, 8111 Preston Road, Suite 300, Dallas, Texas 75225 or wherever he/she may be found.

TIME AND DATE OF DEPOSITION: November 23, 2020 beginning at 9:00 a.m./MST and continuing from day to day until the deposition is completed.

PLACE OF DEPOSITION: Said deposition will take place in person with the witness located at Wells Fargo Plaza, 221 N. Kansas St, El Paso, Texas at Suite no. 505. Said deposition testimony will be taken down in stenography and videotaped by ACR, Inc., Court Reporting 915.542.3422 or other certified reporting service. Said testimony is to be used at the time of the trial of the above-styled and numbered cause.

SCOPE OF EXAMINATION: Pursuant to Texas Rules of Civil Procedure Rule 199.2. this deposition may be used for purposes of trial.

OBJECTIONS TO TESTIMONY: Absent express agreement recorded in the deposition to the contrary, objections shall be made pursuant to the Texas Rules of Civil Procedure.

PRODUCTION COMPELLED: See Attached Exhibit "A"

OFFICIAL COURT

REPORTER: ACR, Inc. Court Reporting
VIDEO: Yes.
INTERPRETER: No.
SUBPOENA: No.

Respectfully submitted,

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(817) 832 7200- Phone
(817) 832-7333- Fax
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jlucky@raylaw.com

By: /s/ Jeffrey T. Lucky
JEFF RAY
State Bar No. 16604400
JEFFREY THOMAS LUCKY
State Bar No. 12667350

*Attorneys for Defendant Bankim Bhatt,
M.D.*

CERTIFICATE OF SERVICE

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/s/ Jeffrey T. Lucky
JEFFREY THOMAS LUCKY

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2. Any writing or digital record of any kind allegedly authored by, ratified by, or that you otherwise attribute to Dr. Bhatt that supports any contention of yours as to any representation, promise, covenant or any offer or acceptance, and to the breach of any duty by him as related to any claim you make against Dr. Bhatt in your pleadings, including but not limited to:
 - a. Claims for Statutory Fraud;
 - b. Claims for conspiracy or aiding and abetting or similar claims;
 - c. Any other legal theory of cause of action as expressed or implied in your pleadings.
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	§	
Defendants.	§	EL PASO COUNTY, TEXAS

**NOTICE OF INTENTION TO TAKE ORAL/VIDEOTAPED
DEPOSITION OF PLAINTIFF SALEEM MAKANI DUCES TECUM**

TO: All Parties.

DEPONENT: SALEEM MAKANI c/o Eric Wood, Brown Fox PLLC, 8111 Preston Road, Suite 300, Dallas, Texas 75225 or wherever he/she may be found.

**TIME AND DATE
OF DEPOSITION:** November 19, 2020 beginning at 9:00 a.m./MST and continuing from day to day until the deposition is completed.

**PLACE OF
DEPOSITION:** Said deposition will take place in person with the witness located at Wells Fargo Plaza, 221 N. Kansas St, El Paso, Texas at Suite no. 505. Said deposition testimony will be taken down in stenography and videotaped by ACR, Inc., Court Reporting 915.542.3422 or other certified reporting service. Said testimony is to be used at the time of the trial of the above-styled and numbered cause.

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EXAMINATION:** Pursuant to Texas Rules of Civil Procedure Rule 199.2. this deposition may be used for purposes of trial.

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REPORTER: ACR, Inc. Court Reporting

VIDEO: Yes.

INTERPRETER: No.

SUBPOENA: No.

Respectfully submitted,

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By: /s/ Jeffrey T. Lucky

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State Bar No. 16604400

JEFFREY THOMAS LUCKY

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*Attorneys for Defendant Bankim Bhatt,
M.D.*

CERTIFICATE OF SERVICE

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/s/ Jeffrey T. Lucky

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Defendants.	§	EL PASO COUNTY, TEXAS

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TO: All Parties.

DEPONENT: SALEEM MAKANI c/o Eric Wood, Brown Fox PLLC, 8111 Preston Road, Suite 300, Dallas, Texas 75225 or wherever he/she may be found.

**TIME AND DATE
OF DEPOSITION:** November 24, 2020 beginning at 9:00 a.m./MST and continuing from day to day until the deposition is completed.

**PLACE OF
DEPOSITION:** Said deposition will take place in person with the witness located at Wells Fargo Plaza, 221 N. Kansas St, El Paso, Texas at Suite no. 505. Said deposition testimony will be taken down in stenography and videotaped by ACR, Inc., Court Reporting 915.542.3422 or other certified reporting service. Said testimony is to be used at the time of the trial of the above-styled and numbered cause.

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Respectfully submitted,

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*Attorneys for Defendant Bankim Bhatt,
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